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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 THERESA B. BRADLEY, Psy.D./JD,
14 Plaintiff,
15 v.
16 GOOGLE, INC., GOOGLE ADSENSE,
17 Defendants.

Case No. C-06-05289-WHA

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: November 30, 2006
Time: 8:00 a.m.
Dept: Courtroom 9
Judge: The Hon. William H. Alsup

Date Comp. Filed: September 12, 2006

Trial Date: TBD

1 **I. TOPICS IN COURT'S SUPPLEMENTAL ORDER**

2 The parties provide the following statements on the subjects that they believe would be
3 designated in Paragraph 2 of the Court's Supplemental Order ("Order") filed September 14, 2006
4 (Document 9 in the Court's file)¹:

5 **A. Jurisdiction and venue**

6 This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1332. The
7 parties know of no issue regarding personal jurisdiction or venue.

8 **B. Claims, defenses, and related proceedings**

9 Dr. Bradley's Claims and Defenses:

10 COUNT I – VIOLATIONS OF LANHAM ACT 15 U.S.C §43(a) §1121 et seq

11 COUNT II – FRAUD

12 COUNT III – INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE

13 COUNT IV – VIOLATIONS OF CALIFORNIA COMMERCIAL CODE §2207

14 COUNT V – BREACH OF CONTRACT

15 COUNT VI – VIOLATIONS OF 18 USC §2520 FOR UNLAWFUL

16 INTERCEPTION OF PLAINTIFF'S ELECTRONIC COMMUNICATIONS

17 COUNT VII- INVASION OF PRIVACY BY INTRUSION UPON PLAINTIFF'S

18 ELECTRONIC MAIL VIOLATIONS OF CALIF. CODE §§630-637.2

19 COUNT VIII – INTENTIONAL DESTRUCTION OF EVIDENCE, PROFESSIONAL
20 AND PERSONAL PROPERTY

21 CLAIMS FOR DAMAGES UNDER THE DOCTRINE OF RESPONDEAT SUPERIOR

22 Google's Claims and Defenses: Google has moved to dismiss Dr. Bradley's complaint,
23 with a hearing date presently scheduled for December 21. Thus, Google has not yet answered
24 the Complaint; should the Court allow Dr. Bradley to proceed on her Complaint, Google will
25 answer and evaluate any potential counterclaim(s).

26 Related proceedings: There are no "Related Cases" as defined in L.R. 3-12(a).

27
28 ¹Google has not received the order from Dr. Bradley, who never received it from the Court.

C. Brief summary of proceedings to date

Dr. Bradley filed her Amended Complaint on September 12, 2006. The parties stipulated to extend Google's time to respond until November 16, 2006, on which date Google filed its pending motion to dismiss. During the week of November 13, counsel for Google attempted to meet and confer with Dr. Bradley under Federal Rule Civil Procedure 26(f); Dr. Bradley and counsel for Google succeeded in doing so on November 20, 2006. The parties stipulated to extend the time to exchange initial-disclosure documents required by Federal Rule of Civil Procedure 26(a) by 46 days, to January 29, 2007.

D. Pending motions

On November 16, 2006, Google filed a motion to dismiss Dr. Bradley's complaint; the motion is set for hearing on December 21. On November 20, 2006, Dr. Bradley mailed to the Court her motion to appear via telephone at the November 30 case-management conference.

E. Brief description of major motions before trial

Should the Court not grant Google's pending motion to dismiss, Google intends to move for summary judgment on Dr. Bradley's complaint. Dr. Bradley does not intend to file any motions.

F. Additional parties

At this time, neither side expects parties to be added or deleted.

G. Expected claim-construction, evidentiary, or class-certification hearings

This is neither a patent nor class-action case. Short of motions *in limine* and potential discovery disputes, the parties anticipate no evidentiary hearings.

H. Compliance with evidence-preservation requirements

Dr. Bradley believes that Google has destroyed evidence as set forth in the Amended Complaint Counts VI, VII, VIII that has interfered with the Plaintiff's burden of proof of communications by electronic mail concerning the allegations set forth Amended Complaint Counts I, II, III, IV, V by destruction of evidence as set forth in the Amended Complaint by interference with private e-Mail account held by the Plaintiff at Google, Inc. known as

1 tbrava@gmail.com by intentional intrusion into the e-Mail account and intentional destruction
2 and/or deletion of all e-Mail communications concerning the Google AdSense account.

3
4 **I. Stipulated discovery limits**

5 Neither Dr. Bradley nor Google believes that this case requires any departure from the
6 Federal Rules.

7 **J. Proposed deadlines and court dates, including a trial date**

8 The parties propose the following case schedule:

9 <u>Event</u>	10 <u>Date</u>
11 Close of fact discovery	June 1, 2007
12 Close of expert discovery (if any)	June 29, 2007
13 Summary judgment filing deadline	July 26, 2007
14 Pretrial conference	21 days prior to trial
15 Trial date	October 29, 2007

16 The parties expect the trial to last no more than three Court days.

17 **K. Whether a jury was properly demanded**

18 Dr. Bradley has not requested a jury. Google has not yet answered, and has not decided
19 if it will request a jury.

20 **L. What damages and other relief are sought**

21 Dr. Bradley's request for damages and other relief is fully set forth in the Amended
22 Complaint Counts I through VIII.

23
24 **M. ADR efforts to date and a specific ADR plan for the case**

25 The parties have conferred about ADR procedures and agree that court-ordered mediation
26 is the likely procedure to assist settlement. Dr. Bradley will request that the Court order the
27 parties to court-ordered mediation as soon as possible. Google respectfully suggests that the
28

1 Court order the parties to engage in ADR only should the Court not grant Google's motion to
2 dismiss.

3 **N. Magistrate-Judge assignment**

4 Dr. Bradley failed timely to submit her consent to proceed before a Magistrate Judge, but
5 would be fine to so proceed now. Google is fine with such assignment.

6 **O. Service list**

7 For Dr. Bradley:
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13 For Google:
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22 ashen@kvn.com

23 **P. Other items in Local Civil Rule 16-10**

24 Except as set forth above, the parties propose that the matters specified in Civil Local
25 Rule 16-10(b) be scheduled in accordance with the Local Rules, the Federal Rules of Civil
26 Procedure, and the Guidelines for Trial and Final Pretrial Conference in civil jury cases before
27 the Honorable William Alsup.

28 **II. PROTECTIVE ORDER**

The parties have conferred, per Federal Rule of Civil Procedure 26(f), about the
desirability of a protective order. Google doubts that this case would implicate its trade secrets
or proprietary information; to the extent that it does, the parties will try and stipulate to a
procedure restricting disclosure of confidential information to outside counsel and third-party
experts who execute an appropriate undertaking. Should the parties fail to reach resolution,
Google will seek the Court's direction.

1 Dr. Bradley does not anticipate that this case will entail any request or invasion of either
2 party's trade secrets of her company, Brava Corporation or of Google, Inc. or Google Adsense.

3
4 DATED: November 30, 2006 KEKER & VAN NEST, LLP

5
6 By /s/ Andrew Shen
Ashok Ramani
7 Andrew Shen
Attorneys for Defendant GOOGLE INC.

8 DATED: November 26, 2006

9
10 By *Theresa B. Bradley* (original signature CMC
11 filed with Court)
Dr. Theresa P. Bradley
12 Pro Se Plaintiff

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Keker & Van Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

On **November 30, 2006**, I served the following document:

Joint Case Management Conference Statement

by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Keker & Van Nest, LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit; and

by **EMAIL**, by transmitting a true and correct copy in PDF format to the email address below.

Theresa B. Bradley
4500 Connecticut Avenue NW, Suite 309
Washington, DC 20008
Email: bravacorp@yahoo.com

Executed on November 30, 2006, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Robert W. Thomas